

#18 & DAE

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

CSI001

First named inventor: Stratton

Application No.: 09/801,536

Art Unit: 3618

Filed: 03/08/2001

Examiner: Mar, Michael Y.

Title: Truck for Skateboards

RECEIVED

JUN 09 2004

OFFICE OF PETITIONS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Form B for Issue Fee Payment

(identify type of reply):

☒ has been filed previously on April 14, 2003

☐ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 950.00

☐ has been paid previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Refund Ref: 06/16/2004 09801536

CHICK QUINN TEL: 11:

06/16/2004 09801536

01 FC:2453 665.00 OP

Adjustment dated 06/10/2004 AKELLEY 09801536
03 FC:2814 -55.00 OP
04 FC:1999 -650.00 OP

06/10/2004 AKELLEY 09801536 665.00 OP
01 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

06/04/2004

Date

Telephone

Number:

(310) 589-8158

Signature

Cary Tope-McKay

Typed or printed name

23852 Pacific Coast Highway #0038

Address

Malibu, CA 90265

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

06/04/2004

Date

Signature

Cary Tope-McKay

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stratton

Examiner: Swenson, Brian L.

Serial No.: 09/801,536

Group Art Unit: 3618

Filed: 03/18/2001

Our Ref: 37197/RJW/A524

For: Truck for Skateboards

RE: Petition to Revive Unintentionally Abandoned Application

Hon. Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Sir:

In response to the Notice of Abandonment dated June 27, 2003, the Applicants respectfully request that the Examiner consider the Remarks made below. **All remarks herein are made without prejudice.**

Remarks

Applicant petitions the Examiner under 37 CFR 1.137(b) to revive the now abandoned application and accept late payment of the issue fee. Pursuant to 35 U.S.C. 41(a)(7), the Applicant has enclosed the proper payment of the issue fee, a statement that the entire delay in payment of the issue fee was unintentional, and the fee for filing a petition to revive an unintentionally abandoned application.

On or immediately after February 20, 2003, Applicant received the Notice of Allowance and Issue Fee Due ("Notice"). The Notice included a request for payment of the issue fee and publication fee in the total amount of \$950.00. The Notice also included a request for submission of a corrected sheet of drawings.

06/10/2004 AKELLEY 00000062 09801536

02 FC:1504	300.00 OP
03 FC:2814	55.00 OP
04 FC:1999	650.00 OP

On April 14, 2003, Applicant mailed the completed Form B, required \$950.00 Issue Fee, Corrected Sheet of Drawings, and a Return Receipt Postcard ("Postcard") to the USPTO. The Postcard is attached to this response and labeled "Attachment A." The postcard lists the contents of Applicant's response to the Notice, including the corrected drawing sheets, check for \$950.00, and completed Form B. The Postcard was returned to Applicant with the date stamp affixed by the USPTO as "April 15, 2003."

For reasons unknown to Applicant, the check for payment of the issue fee was never cashed by the USPTO, although the set of corrected drawings was received and processed. On June 27, 2003, a Notice of Abandonment was mailed by the USPTO, but was never received by Applicant. On January 15, 2004, Applicant was able to access the File History on the PAIR site and determine that the application had been abandoned.

Applicant now petitions to revive the unintentionally abandoned application and accept late payment of the issue fee pursuant to 37 C.F.R. 1.137(b). Applicant therefore submits the required \$950.00 fee for issuing the application, as well as the fee required for filing a petition to revive an unintentionally abandoned application.

Applicant therefore states that the entire delay in filing the required issue fee payment was unintentional. Applicant submitted the issue payment on April 14, 2003, within the proper time period required for response in an attempt to properly respond to the issue fee. Additionally, the Applicant now petitions the USPTO for revival of the application immediately after discovering that the application was abandoned.

Applicant therefore requests that the application be revived and the late payment of the issue fee be accepted by the Examiner as an unintentional abandonment of the application.

Concluding Remarks:

In view of the foregoing, Applicant believes the application is now in condition for issuance. Accordingly, early issuance of this application is respectfully requested.

Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

Date

Cary Tope-McKay
Registration No. 41,350

Cary Tope-McKay
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Malibu, Ca 90265
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E-mail: cmckay@topemckay.com



Terminal Disclaimer

This terminal disclaimer, pursuant to 37 CFR § 1.321, is hereby filed by the patentee for U.S. Application Number 09/801,536, originally filed on 03/18/2001. This terminal disclaimer hereby dedicates to the public any terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application or any period that may extend beyond the date 20 years from the filing date of the application.

The patentee holds full ownership rights in the aforementioned application. The appropriate fee as set forth in 37 CFR § 1.20(d) is attached.

Respectfully Submitted,

MAR 30 '04

Date

A handwritten signature in dark ink, appearing to read "Neil Stratton".

Neil Stratton

ENCLOSED HERE ON

APRIL 14 2003 ARE

☐ 8 SHEETS OF CORRECTED

DRAWINGS AS PER DRAFTSPERSON'S

REQUESTS FOR APPLICATION #

09/804,536 TITLED 'TRUCK

FOR SKATEBOARDS' FOR NEIL

STRATON OF VENICE, CA.

☐ CHECK FOR FEES TOT. \$950

☐ PART B COMPLETED FORM

PLEASE RETURN THIS CARD

AS CONFIRMATION OF RECEIPT.

THANKS

22

NEIL STRATON
706 6TH AVE
VENICE, CA
90291

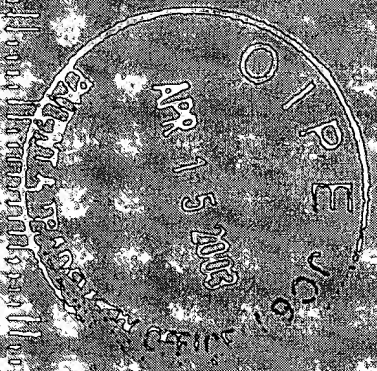


NEIL STRATON

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VENICE, CA

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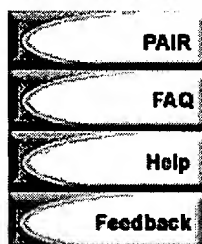
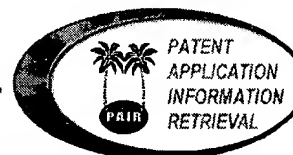




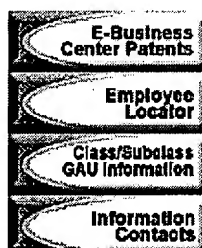
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number: 09/801,536			
Application Number:	09/801,536	Customer Number:	-
Filing or 371(c) Date:	03-08-2001	Status:	Abandoned -- Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	06-27-2003
Examiner Name:	SWENSON, BRIAN L	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3618	Location Date:	11-21-2003
Confirmation Number:	7179	Earliest Publication No:	US 2002-0125670 A
Attorney Docket Number:	37197/RJW/A524	Earliest Publication Date:	09-12-2002
Class/ Sub-Class:	280/087.041	Patent Number:	-
First Named Inventor:	Neil Stratton, Venice, CA	Issue Date of Patent:	-
Title Of Invention:	TRUCK FOR SKATEBOARDS		

Select Search Option

☐ Patent Term Adjustment History

File History		
Number	Date	Contents Description
41	06-27-2003	Mail Abandonment for Failure to Pay Issue Fee
40	06-27-2003	Abandonment for Failure to Pay Issue Fee
39	04-15-2003	Workflow - Drawings Finished
38	04-15-2003	Workflow - Drawings Matched with File at Contractor
37	04-15-2003	Workflow - Drawings Received at Contractor
36	04-15-2003	Workflow - Drawings Sent to Contractor
35	04-10-2003	Receipt into Pubs
34	02-25-2003	Workflow - File Sent to Contractor
33	02-25-2003	Receipt into Pubs
32	02-24-2003	Dispatch to Publications
31	02-21-2003	Dispatch to Publications
30	02-20-2003	Mail Notice of Allowance
29	02-20-2003	Mail Formal Drawings Required
28	02-19-2003	Formal Drawings Required
27	02-19-2003	Notice of Allowance Data Verification Completed
26	02-19-2003	Notice of Allowability
25	01-08-2003	Case Docketed to Examiner in GAU
24	01-07-2003	Date Forwarded to Examiner
23	12-09-2002	Response after Non-Final Action

22	12-09-2002	Substitute Specification Filed
21	12-09-2002	Request for Extension of Time - Granted
20	11-12-2002	Record Petition Decision of Granted Related to Attorney
19	11-08-2002	Petition Entered
18	11-12-2002	Correspondence Address Change
17	11-12-2002	Change in Power of Attorney (May Include Associate POA)
16	07-30-2002	Case Docketed to Examiner in GAU
15	07-22-2002	Mail Non-Final Rejection
14	07-15-2002	Non-Final Rejection
13	06-11-2002	Date Forwarded to Examiner
12	06-10-2002	Response to Election / Restriction Filed
11	05-17-2002	Information Disclosure Statement (IDS) Filed
10	05-02-2002	Mail Restriction Requirement
9	05-02-2002	Requirement for Restriction / Election
8	03-26-2002	Case Docketed to Examiner in GAU
7	03-26-2002	Case Docketed to Examiner in GAU
6	12-03-2001	Case Docketed to Examiner in GAU
5	11-06-2001	Application Dispatched from OIPE
4	10-31-2001	Application Is Now Complete
3	04-19-2001	Correspondence Address Change
2	04-02-2001	IFW Scan & PACR Auto Security Review
1	03-08-2001	Initial Exam Team nn

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Neil Stratton
Dba Stratton DesignAccount Number:
Statement End Date:14,953
080-9059579
05/08/03

Withdrawals and Debits

Date	Transaction Detail	Amount
Apr 15	Check Crd Purchase 04/14 Marina Del Rey Liquor Venice Ca 491987XXXXXX7505 2477300383Gpbhsse ?MCC=5921 121042882DA	- 4.99
Apr 16	Check Crd Purchase 04/14 California Pizza 047 Burbank Ca 491987XXXXXX7505 2432301393D3490E4 ?MCC=5812 121042882DA	- 113.50
Apr 16	POS Purchase - 04/16 Mach ID 000000 910 Lincoln Blvralphs Venice Ca 7505	- 23.80
Apr 17	Check Crd Purchase 04/16 Katies Pet Depot # Mar Vista Ca 491987XXXXXX7505 24224433B6KLQ355D ?MCC=5995 121042882DA	- 33.93
Apr 21	Check Crd Purchase 04/17 Staples #127 Venice Ca 491987XXXXXX7505 24610433Q03S3BE68 ?MCC=5111 121042882DA	- 62.55
Apr 21	Check Crd Purchase 04/18 Szechwan Restaurant Marina Del RA Ca 491987XXXXXX7505 24653003ES662ZQ0Q ?MCC=5812 121042882DA	- 55.00
Apr 21	Check Crd Purchase 04/19 Daisy Arts Venice Ca 491987XXXXXX7505 24492793E48WY4992 ?MCC=5942 121042882DA	- 32.48
Apr 28	Wells Fargo Auto Pay 030427 547463924503847 Stratton,Neil	- 57.88
Apr 28	Check Crd Purchase 04/24 Main Street Video Venice Ca 491987XXXXXX7505 24492153L60Btgxpt ?MCC=7841 121042882DA	- 22.27
Apr 29	POS Purchase - 04/28 Mach ID 000000 3456 South Sepufrader Joew Los Angelesca 7505	- 218.89
Apr 29	Check Crd Purchase 04/26 Chan Darae Los Angeles Ca 491987XXXXXX7505 24418003N3E1YX14X ?MCC=5812 121042882DA	- 193.26
Apr 30	Check Crd Purchase 04/28 Laser Institute For De Santa Monica Ca 491987XXXXXX7505 24158383PHB3K603V ?MCC=8011 121042882DA	- 150.00
Apr 30	Check Crd Purchase 04/28 Xtracycle 530-292-1401 Ca 491987XXXXXX7505 24792623P6DYNZ8Eg ?MCC=5999 121042882DA	- 38.21
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May 05	Check Crd Purchase 05/02 Johnnies Ny Pizza - SM 310-2866806 Ca 491987XXXXXX7505 24492793W3DWMM8Tr ?MCC=5812 121042882DA	- 30.00
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May 07	Check Crd Purchase 05/05 Amc Santa MONI04002036 Santa Monica Ca 491987XXXXXX7505 24164073XV39Skkjd ?MCC=7832 121042882DA	- 19.00
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May 08	Check Crd Purchase 05/03 Main Street Video Venice Ca 491987XXXXXX7505 24492153Z60Btgxlv ?MCC=7841 121042882DA	- 14.11

Checks Paid

Check #	Date	Amount	Check #	Date	Amount
2356	Apr 09	2,256.29	2361 *	May 08	2,256.29
2357	Apr 11	500.00	2362	May 08	112.00
2359	Apr 24	2,000.00			

* Gap in Check Sequence

Daily Balance Summary

Date	Balance	Date	Balance
Apr 08	46,412.43	Apr 24	44,562.61
Apr 09	44,156.14	Apr 28	46,099.13
Apr 11	43,656.14	Apr 29	45,686.98
Apr 14	43,531.01	Apr 30	45,498.77
Apr 15	46,883.87	May 05	45,387.37
Apr 16	46,746.57	May 06	46,539.65
Apr 17	46,712.64	May 07	46,462.33
Apr 21	46,562.61	May 08	44,052.75

Continued on next page

NUMBER	DATE	DESCRIPTION OF TRANSACTION	PAYMENT/DEBIT (-)	CODER FEE (-)	DEPOSIT/CREDIT (+)	BALANCE
2347	3/27	IRS	\$557.71			
PHONE	"	WF CR.	5,113.44			
"	"	ADVANTA	3,252.01			
2348	"	Mercury	261.10			
2349	"	GAS CO	63.66			
2350	"	SPRINT	45.90			
2351	"	VERIZON	118.64			
2352	"	DWP water	64.72			
2353	"	DWP Elec.	59.65			
2354	"	RISD (college fund)	25.00			
2355	3/28	TIM MCARTHY (architect)	2000			
DET	07/04	CARVER 1938 WESLEY ALLEN 9153	NO SIGNATURE		1500 100.83 1680.83	
2356	04/04	WA MV	2256.29			
2357	11/04	ROUER / OFFICE CHAIR	500			
2358		Patent office fees	950			

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